
Appeal Decision

Site visit made on 4 May 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/G2713/Z/23/3315674

16 Millgate, Thirsk YO7 1AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Paul Lund against the decision of Hambleton District Council.
 - The application Ref 20/02227/ADV, dated 6 October 2020, was refused by notice dated 9 December 2022.
 - The advertisement proposed is described as '5050mm x 400mm with 5mm clear acrylic flat letters "DL Davis & Lund Property people DL" with digital print applied on the face. End panels to square off the sign displaying the DL logo'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The advertisement applied for is already in place. I have dealt with the appeal on that basis.
3. 16 Millgate is a Grade II listed building. I note that the appellant originally applied to the Council for both listed building consent and advertisement consent for the signage. Both of those applications were refused. However, the appeal relates only to the refusal of advertisement consent. Had this appeal been allowed it would not have negated the need for listed building consent.

Main Issue

4. Applications for advertisement consent can only be considered on the basis of amenity and public safety. The Council has concluded that the proposal does not harm public safety. I have no reason to disagree.
5. Accordingly, the main issue is the effect of the advertisement on the amenity of the area, including its effect on the listed building and whether or not it would preserve or enhance the character or appearance of the Thirsk and Sowerby Conservation Area.

Reasons

6. No 16 lies within a group of properties (8-16), originally houses with later shopfronts, which date from the 18th and early 19th century. The building, which has two bay windows to the frontage, together with the others in the group, make a positive contribution to the character and appearance of the

conservation area as a result of their age, architectural detailing and evidence of the historic development of the town.

7. S72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that within conservation areas, special regard is paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) is clear that the quality and character of places can suffer when advertisements are poorly placed and designed.
8. The site lies within the town centre where there are a mix of business uses and a range of advertisements on business premises. Millgate is a one-way street and is busy with traffic and pedestrians. As such the building and the advertisement are visible within the public realm.
9. The advertisement stands above the frame of the bay windows, extending across both and wrapping around the sides, as such appearing as a box-like structure. Accordingly, as a result of its form and elevated position it distracts from the proportions and detailing of the frontage of the building, in particular the moulded detail at the top of the windows. Moreover, the shiny acrylic material does not reflect the traditional character or appearance of the building. Accordingly, the advertisement detracts from the quality and appearance of the building and its significance as a heritage asset.
10. The appellant has drawn my attention to other non-traditional signs on listed buildings within the town centre which are also prominent. I do not know whether these signs have the benefit of consent, or if so, the circumstances in which they were approved. In any event, I am unconvinced they reflect or constitute the predominant character of the area or are necessarily good examples of development to follow. There are many examples of other more appropriate signage including small facias or lettering applied to existing architectural components of buildings.
11. As a result of its form and materials, as set out above, the advertisement does not preserve or enhance the character or appearance of the conservation area. In accordance with the requirements of the Framework, where a proposal causes less than substantial harm to the significance of a heritage asset, which is the case here, that harm should be weighed against any public benefits of the proposal.
12. I acknowledge that it may be a challenging economic time for businesses, and I noted at my visit that there are empty shop units in the street. However, the role that the design of an advertisement plays in the success of a business is unclear from the evidence before me and I am unconvinced that similar benefits would not be achieved by an advertisement that respected the historic character of the building and wider area. No other public benefits of the proposal have been identified. Accordingly, the public benefits of the sign do not outweigh the harm to the building and conservation area as set out above, harm which in accordance with the requirements of the Framework, carries great weight.
13. The Council has referred to Policy E3 of the Hambleton Local Plan 2022. Whilst not decisive, the proposal does not contribute to the special architectural or historic interest of the listed building and does not therefore meet the requirements of that policy.

14. For the reasons given, the advertisement is detrimental to the amenity of the area. Accordingly, taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR